



CASE NUMBER

Urban Development - Planning Division
1410 24th Avenue | Gulfport, MS 39501 | (228) 868-5710

ZONING BOARD OF ADJUSTMENTS
AND APPEALS APPLICATION

REQUESTED ACTION BY THE ZONING BOARD OF ADJUSTMENTS AND APPEALS
(A separate submission form is required for each request)

- Appeal of Planning Administrator
Excessive Height
Fence Variance
Special Exception
Variance

TAX PARCEL NUMBERS

Grid for entering tax parcel numbers with hyphens and decimal points.

Property Address:

Lot(s) Block(s) Subdivision

General Description of Request:

OWNERSHIP AND CERTIFICATION:

I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner's agent for the herein described request. We can only accept applications with original signatures.

**OWNER:**

\_\_\_\_\_  
Printed Name of Owner

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Home Phone Work/Cell Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Signature of Owner

**AGENT:**

\_\_\_\_\_  
Printed Name of Agent

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Home Phone Work/Cell Phone

\_\_\_\_\_  
Email

\_\_\_\_\_  
Signature of Agent

This page must be completed if the property or properties involved have more than one owner. All persons listed as owners to the property or properties listed on page one must complete and sign this part of the application. We can only accept applications with original signatures.

*I hereby certify that I have read and understand this application and that all information and attachments are true and correct. I also certify that I agree to comply with all applicable city codes, ordinances and state laws. Finally, I certify that I am the owner of the property involved in this request or authorized to act as the owner's agent for herein described request.*

**Name of Owner (PRINT)** \_\_\_\_\_

Address (Street, City, State, Zip Code) \_\_\_\_\_

Phone (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Tax Parcel Number(s) Owned: \_\_\_\_\_

Signature: \_\_\_\_\_

**Name of Owner (PRINT)** \_\_\_\_\_

Address (Street, City, State, Zip Code) \_\_\_\_\_

Phone (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Tax Parcel Number(s) Owned: \_\_\_\_\_

Signature: \_\_\_\_\_

**Name of Owner (PRINT)** \_\_\_\_\_

Address (Street, City, State, Zip Code) \_\_\_\_\_

Phone (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Tax Parcel Number(s) Owned: \_\_\_\_\_

Signature: \_\_\_\_\_

## IMPORTANT NOTICE:

1. Please be advised that failure to submit a complete application, with all supporting documents, could **delay your hearing date**. The Zoning Board will not consider a request until all information is submitted and accurate.
2. Please be advised that the application deadline dates posted are designed to allow the staff time to review the application and receive required comments from coordinating agencies. The application is not considered complete until all required information from the applicant is available for review by the staff and coordinating agencies.
3. **The following supplement pages are required per application type. Select one of the following:**
  - Appeal of Planning Administrator (see page 4)
  - Excessive Height (see page 5)
  - Fence Variance (see page 6)
  - Special Exception (see page 7)
  - Variance (See page 8)
4. All \_\_\_\_\_ will need to be **initialed by applicant** with required documentation before application can be accepted.

## Submission Requirements:

- \_\_\_\_\_ **Page one of this application**, completed and signed.
- \_\_\_\_\_ **Site plan**. Please note that approval of your request, in part, is based on your **11" by 17"** site plan.
  - The property lines and dimensions have been provided on the drawing.
  - All buildings and structures located on the property have been identified.
  - All dimensions of buildings and structures have been noted on the site plan.
  - All distances from the property lines to all the buildings and structures have been identified and noted on the site plan.
  - Street names have been provided which about the property.
  - Traffic flow, parking and driveways have been identified.
  - If required buffer strips have been identified
  - Other pertinent information as needed to pictorially demonstrate the proposed development/use.
- \_\_\_\_\_ **Proof of ownership** (Copy of deed i.e., Warranty Deed or Quitclaim Deed)
- \_\_\_\_\_ If applicable, notarized proof of **authority to act as agent** for owner (board resolution, etc.) (see page 9)

The City of Gulfport Planning Division Staff will notify, by letter, property owners adjacent to the requested action identified in this application using the Land Roll database from the County Tax Office. If you would like to have additional persons or property owners notified, please provide a list of **additional persons to be notified**.
- \_\_\_\_\_ An **affidavit** stating the request is not in violation of restrictive or protective covenants. (See page 10)
- \_\_\_\_\_ **Cash or check** payable to the City of Gulfport in the amount of **\$75.00**
- \_\_\_\_\_ **I the owner/agent acknowledge this is a complete application**

# Appeal of Planning Administrator Submissions

- \_\_\_\_\_ Written request stating the nature of appeal, the specific ordinances and sections being appealed, and any permit numbers involved.
  
- \_\_\_\_\_ Denied permit application being appealed and all supporting documentation including but not limited to any site plans and elevations. The maximum size for any documentation is 11 inches by 17 inches and may be submitted in digital pdf format on CD.

# Excessive Height Variance Submissions

\_\_\_\_\_ Provide certification by the Chief of Gulfport Fire Department that the necessary facilities and equipment are available for protection of the higher structure.

\_\_\_\_\_ Provide FAA approval for the excessive height structure.

\_\_\_\_\_ Provide Airport Authority approval for any structure in excess of forty (40') feet. (Contact Don Shepley, Director of Planning Authority - Phone (228) 863-5951 ext. 11)

\_\_\_\_\_ Provide the following two horizontal drawings:

1. **"Overall Proposed Height" overall total height of the building/structure on front, rear and both sides for mean sea level; and**
2. **"Overall Proposed Height for District" showing district height regulations, and proposed height for the front, rear and both sides**

**Building Height:** The vertical distance in all zones shall be measured from the finish (final) grade to the highest finished roof surface. In the case of flat (or nearly flat) roofs, or to a point at the average height of roofs having a pitch of greater than on foot in four and one-half (4 1/2') feet.

For each excess height structure each dimension provided herein for required front, side and rear yard is increased one foot every two feet of such excess height; provided, further, where no yard is required, the part of the structure exceeding the height specified for the district shall be set back from the vertical line of the adjacent building site line one foot for every two (2') feet of such excess height.

**Height exceptions:** The height limitation contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, parapet walls, cornices or necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy.

# Fence Variance Submissions

\_\_\_\_\_ Please explain the nature of the project that requires the variance(s). When determining a variance to fence, wall, and hedge requirements, the zoning board shall consider the following, which must also be addressed by the applicant on a separate sheet of paper:

1. Safety in regard to the subject property, adjacent properties, ingress and egress, streets, alleyways, and water bodies;
2. Visual impact on adjacent properties, streets, alleyways, and water bodies;
3. Design in relation to other structures on the same lot, adjacent properties, and the neighborhood;
4. Impact on ingress and egress, if applicable;
5. Screening, buffering or separation of any nuisance or hazardous feature;
6. Compatibility with adjacent properties;

## Special Exception Submissions

NOTE: The criteria below outlines each Board's requirements. Each Board does not need to be addressed separately; you may consolidate these responses when appropriate. Keep in mind, however, each item must be thoroughly addressed.

### **A WRITTEN STATEMENT MUST BE SUBMITTED TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS ADDRESSING THE FOLLOWING:**

\_\_\_\_\_ **The following, where applicable must be addressed:**

- Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- Off-street parking and loading areas where required, with particular attentino to those items listed in the above bullet statement and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district.
- Refuse and service areas, with particular reference to the two items in the above.
- Utilities, with reference to the location, availability, and compatibility.
- Screening and buffering with reference to type, dimensions, and character.
- Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properites in the district.
- Required yards and other open space.
- General compatibilty with adjacent properties and other property in the district.
- Over view of why the special exception will be in harmony with the general purpose and intent of the Zoning Ordinance.

### **A WRITTEN STATEMENT MUST BE SUBMITTED TO THE PLANNING COMMISSION ADDRESSING THE FOLLOWING:**

NOTE: The uses listed below are permitted upon approval of location and the site plan thereof by the Planning Commission as being appropriate.

\_\_\_\_\_ **The following, where applicable must be addressed:**

- Transportation and access
- Water supply and waste disposal
- Fire, police protection and other public facilities
- Not causing undue traffic congestion for creating a traffic hazard, as as being in harmony wit the orderly and appropriate development of the district in which the use is located.

# VARIANCE SUBMISSIONS

\_\_\_\_\_ **Answer the following six questions** individually and thoroughly as a separate attachment.

1. Demonstrate that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. (i.e., What is special about your property that you need to request a variance?)
2. Demonstrate that the special conditions and circumstances do not result from the actions of the applicant. (i.e., Show that you did not cause the need for the variance.)
3. Demonstrate that an unnecessary hardship is created by the physical character of the property and is peculiar and unusual to such an extent that it is evidence that amendment of the zoning ordinance does not offer a reasonable solution. (i.e., Explain what your hardship is and why the property cannot comply with the zoning ordinance. Further, explain why this hardship is not commonly found on other properties?)
4. Demonstrate how the literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by properties in the same district under the terms of the zoning ordinance. (i.e., Explain how the request meets the right of reasonable economic return and/or the right to reasonable development of your property which might generally be expected in your district.)
5. Demonstrate that the granting of the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district, other than to permit the applicant to use their property in a manner as nearly equivalent to uses generally permitted in the district considering the conditions and circumstances involved and hardship. (i.e., Will you receive any special benefit that others who follow the Zoning Ordinance cannot receive?)
6. State whether the use proposed is permissible by right, with planning approval or by special exception with respect to uses of land or structures.



**DESIGNATION OF AGENT**

I, \_\_\_\_\_ being property owner of \_\_\_\_\_  
PRINT NAME PRIMARY ADDRESS OR PARCEL  
which is the subject of this application hereby authorize \_\_\_\_\_ to act as  
PRINT NAME  
my representative with the City of Gulfport's Zoning Board of Adjustment and Appeals, and/or Planning  
Commission, and/or City Council, and/or permitting and licensing, as required by the City.

Such representation shall be for all purposes concerning any manner, right, or obligation relating to this  
petition. This designation authorizes my agent to make verbal or written representations and/or declarations  
on my behalf, and I shall be legally bound by said verbal or written representations and/or declarations  
relating to this petition.

The petitioner understands and acknowledges that the City will rely upon the agent's representations in  
approval or denial or said petition.

\_\_\_\_\_  
SIGNATURE DATE

**STATE OF MISSISSIPPI | COUNTY OF HARRISON**

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC COMMISSION EXPIRATION



## COVENANT AFFIDAVIT

I, \_\_\_\_\_ being property owner or agent of the property \_\_\_\_\_  
PRINT NAME PRIMARY ADDRESS OR PARCEL  
which is the subject of this application, hereby state that this variance request is not in violation of any restrictive or protective covenants.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

### STATE OF MISSISSIPPI | COUNTY OF HARRISON

Given under my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
COMMISSION EXPIRATION